

James M. Cline  
Cline & Associates  
6800 E. Green Lake Way N., Suite 250  
Seattle, Washington 98115  
206/524-3431  
206/524-3572 (fax)  
Attorney for Plaintiffs

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 09 2001

JAMES B. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
AT SPOKANE

**CY-01-3059-WFN**  
NO.

RANDAL BAKER, MICHAEL  
BLAKENBAKER, FRANK R. BOWERSOX,  
SHAWN M. BOYLE, TIMOTHY J. CRUZ,  
BRIAN J. DAHL, STEVE DAVIS, JOE  
DeJOURNETTE, RICK FOREST, REYNALDO  
GARZA, ELAINE GONZALEZ, MICHAEL A.  
GORDON, GEOFF GRONEWALD, ERIK W.  
HAMPTON, BENJAMIN R. HITTLE,  
MATTHEW J. LEE, TARIN C. MILLER,  
STEVE MORKERT, MATT MYERS,  
ANTHONY J. PATLAN, MICHAEL A.  
NIELSEN, ERIC D. PIERCE, JESSIE G.  
RANGEL, LORI J. SHEELEY, PERRY  
SKIPTON and ESTHER VASQUEZ,

**FAIR LABOR STANDARDS ACT  
COMPLAINT**

Plaintiffs,

vs.

CITY OF YAKIMA,

Defendant.

**I. INTRODUCTION**

This action is commenced on behalf of the named plaintiffs to recover from defendant unpaid minimum wages and overtime compensation plus an additional equal amount of liquidated damages,

1 costs, and reasonable attorney's fees under the provisions of the Fair Labor Standards Act of 1938, as  
2 amended, 29 U.S.C. § 201 et seq., hereinafter referred to as "FLSA."

3 **II. JURISDICTION**

4 Jurisdiction is conferred upon the court by 28 U.S.C. § 1331 and 29 U.S. C. § 216(B).

5 **III. PARTIES**

6 Plaintiffs Randal Baker, Michael Blakenbaker, Frank R. Bowersox, Shawn M. Boyle, Timothy J.  
7 Cruz, Brian J. Dahl, Steve Davis, Joe DeJournette, Rick Forest, Reynaldo Garza, Elaine Gonzalez,  
8 Michael A. Gordon, Geoff Gronewald, Erik W. Hampton, Benjamin R. Hittle, Matthew J. Lee, Tarin C.  
9 Miller, Steve Morkert, Matt Myers, Anthony J. Patlan, Michael A. Nielsen, Eric D. Pierce, Jessie G.  
10 Rangel, Lori J. Sheeley, Perry Skipton and Esther Vasquez are, and at all times material hereto were,  
11 employed by the City of Yakima.

12 Defendant City of Yakima has a principal office and place of business located at 129 N. Second,  
13 Yakima, Washington, 98901. Defendant is, and at all times material hereto was, a public agency within  
14 the meaning Section 3(x) of the FLSA, 29 U.S.C. § 203(x).

15 **IV. FACTS**

16 1. Defendant is, and at all times hereto was, engaged in related activities performed through  
17 unified operation or common control for a common business purpose in conjunction with the activities of  
18 a public agency. Defendant is, and at all times material hereto was, an enterprise within the meaning of  
19 Section 3(r) of the FLSA, 29 U.S.C. § 203(4).

20 2. Defendant has, and at all times material hereto had, engaged in commerce or in the  
21 production of goods for commerce, or had employees handling, selling, or otherwise working on goods  
22 or materials such as motor vehicles, petroleum products and police services that have been moved or  
23 produced for commerce. Defendant is, and at all times material hereto was, an enterprise engaged in

1 commerce or the production of goods for commerce within the meaning of Section 3(s) of the FLSA, 29  
2 U.S.C. § 203(s).

3 3. Defendant has willfully violated the minimum wage requirements of the FLSA, 29 U.S.C.  
4 206, by failing to pay plaintiff at a rate not less than the applicable minimum wage rate for all hours  
5 worked including, but not limited to, attendance at preshift muster.

6 4. Defendant has willfully violated the overtime compensation requirements of the FLSA, 29  
7 U.S.C. § 207, by employing the named plaintiffs on or after July 1, 1994, in an enterprise engaged in  
8 commerce or in the production of goods for commerce, for work weeks longer than the applicable  
9 maximum weekly hours established by Section 207 of the FLSA, without compensating him or her for  
10 his/her employment in excess of the above described hours including all hours worked (including, but not  
11 limited to, attendance at preshift muster at rates not less than one and one-half times his/her regular rate  
of pay. 29 U.S.C. § 207.

## 12 **V. JURY DEMAND**

13 Plaintiffs assert their rights under the Seventh Amendment to the U.S. Constitution and demand a  
14 trial by jury on all issues, in accordance with Federal Rule of Civil Procedure 38.

## 15 **VI. RELIEF SOUGHT**

16 WHEREFORE, plaintiffs pray as follows:

17 1. That defendant City of Yakima be required to pay to the named plaintiffs unpaid minimum  
18 wages and overtime compensation found due by the court as a result of defendant's violation of §§ 206  
19 and 207 of the FLSA, plus an additional equal amount of liquidated damages;

20 2. Defendant City of Yakima be required to pay plaintiffs their reasonable attorney's fees and  
21 costs of this action;

22 3. For such other relief as the court deems is just and equitable.

1 DATED this 6<sup>th</sup> day of July 2001.

2 Cline & Associates

3  
4 By: *James M. Cline* <sup>WSBA # 26498</sup>  
5 James M. Cline, WSBA #16244  
6 Attorney for Plaintiffs  
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